

# PATENT COOPERATION TREATY

TRANSLATION

From the  
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing (day/month/year) See form PCT/ISA/210

Applicant's or agent's file reference  
**S 5213 WO**

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
**PCT/EP2006/011956**

International filing date (day/month/year)  
**12.12.2006**

Priority date (day/month/year)  
**31.03.2006**

International Patent Classification (IPC) or both national classification and IPC  
**C08G59/40**

Applicant  
**SCHILL + SEILACHER 'STRUKTOL' AKTIENGESELLSCHAFT**

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE  
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International application No.

PCT/EP2006/011956

Box No. 1

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:
  - ☒ the international application in the language in which it was filed
  - ☐ the translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rule 12.3(a) and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material
    - ☐ on paper
    - ☐ in electronic form
  - c. time of filing/furnishing
    - ☐ contained in the international application as filed
    - ☐ filed together with the international application in electronic form
    - ☐ furnished subsequently to this Authority for the purposes of search
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE  
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International application No.

PCT/EP2006/011956

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims

Claims 1-21

YES

NO

Inventive step (IS)

Claims

Claims 1-21

YES

NO

Industrial applicability (IA)

Claims

Claims 1-21

YES

Claims

NO

2. Citations and explanations:

1. Reference is made to the following documents:

D1: TOSHIO KOIZUMI, E.A.: "Pd(0) catalyzed polyaddition of bifunctional vinyloxiranes with 1,3-dicarbonyl compounds" JOURNAL OF POLYMER SCIENCE: PART A: POLYMER CHEMISTRY, vol. 40, 2002, pages 2487-2494, XP002426319

D2: ✓ WO 2004/024791 A (SCHILL & SEILACHER AG [DE]; KELLER HOLGER [DE]; GLAUNER UDO [DE]) 25 March 2004 (2004-03-25) mentioned in the application

D3: DATABASE WPI Week 200242 Derwent Publications Ltd., London, GB; AN 2002-393608 XP002426354 &; WO 02/14334 A1 (NIPPON KAYAKU KK) 21 February 2002 (2002-02-21)

D4: DATABASE WPI Week 200238 Derwent Publications Ltd., London, GB; AN 2002-343938 XP002426355 &; JP 2001 354685 A (DAINIPPON INK &; CHEM INC) 25 December 2001 (2001-12-25)

Document D1 discloses the preparation of polymers by reaction of dicarbonyl compounds with halogen-free epoxy compounds in the presence of compounds containing phosphine groups.

WRITTEN OPINION OF THE  
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International application No.

PCT/EP2006/011956

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

Document D2 discloses the preparation of halogen-free epoxy resins by reaction of halogen-free epoxy resins with compounds based on addition products of aldehydes and/or ketones with phosphorus compounds.

Documents D3-D4 disclose the preparation of addition products of aldehydes with phosphorus compounds as claimed. These addition products are reacted with epoxy resins.

2. Novelty and inventive step

2.1. The present application fails to comply with the requirements of PCT Article 33(1) since the subject matter of claim 1 is not novel (PCT Article 33(2)).

2.2. Claims 2-21 are dependent on claim 1 and as such likewise do not meet the PCT requirements of novelty and inventive step.

3. Industrial applicability

The subject matter of claims 1-21 is industrially applicable.

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Box No. VIII      Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claims 1-21 are not supported by the description.